<u>Remarks</u>

Claims 1-43 are pending.

The claims have been amended to expressly incorporate the definition of "seeding" into the claims. Seeding is specially defined in the Specification page 10, lines 25-26.

Claims 13, 16, 18-19 and 42 were rejected under Section 102 as being anticipated by Koehler (6619206). Claims 1-12, 14-15, 17, 20-41 and 42-43 were rejected under Section 103 as being obvious over Koehler or Koehler and other references. The rejections are all based on the assertion that Koehler teaches all of the elements of Claim 13. This assertion is not correct.

Claim 13 recites the following elements:

setting an initial toner report level;

averaging a group of toner level sensor readings to produce a group average;

if the group average is less than the report level, setting the report level to the group average;

averaging a subsequent group of toner level sensor readings to produce a subsequent group average; and

if the subsequent group average is less than the report level, setting the report level to the subsequent group average.

In the method of Claim 13, the toner report level is reset to a lower level each time the average reading of a group of toner level sensors is less than the prior toner report level. In Koehler, the average readings from a group of ink level sensors is compared to a desired ink level. If the ink level falls below the desired level, more ink is added to the ink fountain. The threshold/desired level is never reset or otherwise changed based on the readings from the group of sensors.

The Office asserts that Koehler teaches the first element of Claim 13 (setting an initial toner report level) at column 13, lines 14-18 and the remaining elements of Claim 13 at column 14, line 50 through column 15, line 17. The two passages in Koehler are unrelated. At column 13, lines 14-18, Koehler discloses calculating the amount of ink in the ink cartridge 46 used to refill ink fountain 10. The level of ink in cartridge 46 discussed at column 13 is wholly unrelated to the level of ink in ink fountain 10 discussed at columns 14 and 15. At column 14 and 15, Koehler is discussing the use of readings from low ink level sensors that detect the level of ink

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in the ink fountain 10 (not in cartridge 46). If the readings from these sensors indicate the ink level in fountain 10 is low, then ink from cartridge 46 is dispensed into fountain 10 to raise the level of level of ink in fountain 10.
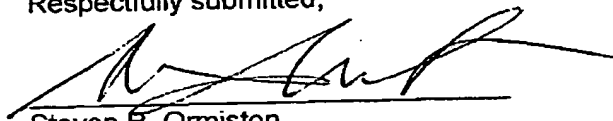
If calculating the level of ink in refill cartridge 46 at column 13 in Koehler is deemed to be the claimed setting an initial toner report level, as asserted by the Office, then Koehler does not teach any of the remaining elements of Claim 13 because no such acts are performed relative to the refill cartridge 46. That is to say, Koehler does not teach averaging a group of toner level sensor readings *from the refill cartridge 16* or setting the initial report level *of the refill cartridge 16* to the group average. If setting the threshold ink level in ink fountain 10 in Koehler is deemed to be the claimed setting an initial toner report level, then Koehler does not teach the acts of setting the initial (or subsequent) report level to the sensor group average if the average is less than the initial (or prior) level. That is to say, Koehler does not teach changing the threshold ink level for fountain 10 based on the readings of the ink level sensors.

Koehler teaches a process and device that is fundamentally different from the claimed methods and devices. Koehler compares ongoing measurements to a fixed threshold to keep the ink fountain full, while the claimed methods and devices keep resetting the reported toner level based on ongoing measurements to reflect the declining amount of toner that is available.

Unless the Office is able to present credible new grounds for rejection, the claims should be allowed.

The foregoing is believed to be a complete response to the outstanding office action.

Respectfully submitted,

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